

II. REMARKS

Claims 1-5, 7, 9-21, and 23-28 are pending in this application. Applicants do not acquiesce in the correctness of the rejections and reserve the right to present specific arguments and/or pursue the full scope of the subject matter of the original claims in a subsequent patent application that claims priority to the instant application. Reconsideration in view of the following remarks is respectfully requested.

In the Office Action, claims 1-5, 9-12, and 14-15 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 6,035,423 to Hodges *et al.* in view of U.S. Patent No. 6,009,274 to Fletcher *et al.* The Office admits that Hodges *et al.* fail to teach “modifying the authentication system during the conducting step without requiring a reboot” and now asserts that Fletcher *et al.* teach this limitation. Office Action at 3. This rejection is respectfully traversed. First, Applicant asserts that the Office has misinterpreted Fletcher *et al.* Referring to column 5, lines 44-53 of Fletcher *et al.*, the Office states that “the modification is being done during the run time and no-reboot [sic] is needed for the modification and where the registry path changes itself to file [sic] not being used until next re-boot and therefor [sic] update components may be used without a re-boot.” Office Action at 3. Applicant asserts, however, that such a reading of Fletcher *et al.* is completely contrary to the passage cited by the Office.

Fletcher *et al.* state:

The files are then loaded or installed at the agent without having to physically reboot the system. If necessary, a “smart agent” provides updating the system registry “on-the-fly” using two directory paths for those components that cannot be dynamically updated. According to the invention, the registry path is changed to point to a file not currently being used, but that will be used at the next reboot to cause an update to system components.

Column 5, lines 43-51 (emphasis added).

Thus, Fletcher *et al.* teach that while files may be loaded or installed without requiring a reboot, actual use of the files to achieve an update of system components is not possible until the system is rebooted. Accordingly, Fletcher *et al.* do not teach “modifying the authentication system during the conducting step without requiring a reboot,” as recited in claim 1, from which all other rejected claims depend.

Second, Applicant asserts that Fletcher *et al.* teach away from updating executable files or files being used by executable files, such as the antivirus programs and virus definition files, respectively, of Hodges *et al.* Fletcher *et al.* state:

Because some of the components may be in use at the time of update, the components are not immediately loaded and used. Instead, according to the invention, the Windows 95 operating system registry information is updated to point to the new file components. Then, the next time that the operating system is rebooted, this modified registry information is used by the operating system to pick up the updated components. Updates to some components may be made immediately where allowed by the operating system. For example, .sys files in Windows NT and .vhd files in Windows 95 can be immediately copied [sic] over. However, .exe files (and any .dll files associated therewith), when loaded and running cannot be updated until the system is rebooted.

Column 12, line 64 – column 13, line 10 (emphasis added).

As is clear from FIGS. 5A, 7, 9A, and 11 of Hodges *et al.*, the antivirus program (*e.g.*, Antivirus_Application.exe, virstopOS8.exe, Antivirus_AppW95.exe, Antivirus_appUNIX9.exe, etc.) and the antivirus update program (*e.g.*, Antivirus_Update_Agent.exe) are executable files. *See also*, column 8, lines 25-27 of Hodges *et al.*, which state: “Program directory 518 comprises a first executable file Antivirus_Application.exe 520 and a second executable file Antivirus_Update_Agent.ext 522.” Hodges *et al.* also make clear that each of these programs is generally executed upon computer startup and would therefore be running at the time of any attempted update. “As known in the art, at computer startup the program Antivirus_Application.exe 520 is executed or, alternatively, this program can be manually

invoked by the user.” Hodges *et al.*, column 8, lines 28-30. “The program Antivirus_Update_Agent.exe 522 is designed to begin execution at computer startup...” Hodges *et al.*, column 8, lines 39-40.

Applicant asserts that it would not have been “obvious to one of ordinary skilled [sic] in the art at the time the invention was made to utilize Fletcher’s automatically updating software using “smart agent” for updating the system registry “on-the-fly” causing authentication modification in Hodges’s loading a task module such as antivirus upgrade software in order to use the upgraded component without rebooting the system.” Office Action at 3-4. In fact, Fletcher *et al.* explicitly teach away from upgrading executable files such as Hodges *et al.*’s antivirus update program without a reboot of the system. Accordingly, for each of the reasons above, Applicant respectfully requests withdrawal of the rejection.

In the Office Action, claims 17, 18, 20, 21, and 23-28 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hodges *et al.* in view of U.S. Patent No. 6,473,099 to Goldman *et al.* Specifically, the Office asserts that Goldman *et al.* disclose “using the authentication system and including a logon system configured to conduct a userless logon of the workstation.” Office Action at 8. This rejection is respectfully traversed. Applicant asserts that Goldman *et al.* do not teach a logon system and cannot, therefore, teach a userless logon of a workstation or a logon authentication system. Rather, Goldman *et al.* disclose the automated downloading of software to a server that does not require any logon from a workstation, userless or otherwise. Goldman *et al.* state:

Since the download can occur via satellite transmission, the client need not be linked to or actively communicating over the network infrastructure for the download to occur. Thus, the server might download the upgrade during a low traffic time such as during the night. When the client next begins operation, the client already has the upgrade of the software without the user having done anything.

Column 2, lines 29-36 (emphasis added).

Thus, Goldman *et al.* do not disclose “using the authentication system and including a logon system configured to conduct a userless logon of the workstation.” Office Action at 8. In fact, Goldman *et al.* fail to disclose a logon system, a userless logon of a workstation, or an authentication system. Accordingly, Applicant asserts that Goldman *et al.* fail to cure the defects of Hodges *et al.* and respectfully request withdrawal of the rejection.

In the Office Action, claims 13, 16, and 19 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hodges *et al.* in view of Fletcher *et al.* and further in view of U.S. Patent No. 6,418,555 to Mohammed. This rejection is respectfully traversed. As explained above, Applicant asserts that claims 1 and 17 are allowable. As claims 13, 16, and 19 each depend from claim 1 or 17, each is also allowable. Accordingly, Applicant respectfully requests withdrawal of the rejection.

In the Office Action, claim 7 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hodges *et al.* in view of Goldman *et al.* and further in view of U.S. Patent No. 5,764,922 to Kullick *et al.* This rejection is respectfully traversed. For the reasons given above with respect to claim 1, Applicant asserts that claim 7 is in condition for allowance. Accordingly, Applicant respectfully requests withdrawal of the rejection.

In view of the foregoing, Applicant respectfully requests withdrawal of the rejections, and allowance of the application. Should the Examiner require anything further from Applicant, the Examiner is invited to contact Applicant's undersigned representative at the number listed below.

Respectfully submitted,



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